

REMARKS

Claims 1, 3-10, 12-17, and 19-22 are pending in this application. Claim 2 is cancelled without any intent of prejudice to or disclaimer of the subject matter contained therein. Claims 11 and 18 were previously cancelled. Reconsideration and allowance of the present application are respectfully requested.

Entry of this Amendment After Final is Requested

By way of this response, independent claims 1, 11, and 19 have been amended to include features previously set forth in now canceled dependent claim 2. The dependent claims have been amended to be commensurate with amended claims 1, 11, and 19 where necessary. No new issues requiring further consideration or search are believed to be raised by way of this Amendment. Therefore, entry of this Amendment After Final is requested.

Statement Under 37 C.F.R. §1.133(b)

In response to the telephonic interview conducted February 3, 2009 and the Interview Summary dated February 13, 2009, Applicant wishes to thank the Examiner for the courtesies extended during the interview. Applicants submit the following discussion to provide a complete record of the issues discussed during the Examiner Interview.

Applicants and Examiner discussed amending claim 1 to recite, "receiving, at an access network, an access request and a token from an access terminal, the token including a plurality of bits, each bit associated with a different type of protocol such that each bit indicates whether the access terminal is operating according to a default protocol for the associated type of protocol." Applicants submitted that at least this

feature is not disclosed, taught, or suggested by U.S. Patent. App. Pub. No. 2005/0286418 to Rasanen ("Rasanen").

In the Office Action, the Examiner read the claimed "token" on the BCIE in Rasanen. However, Rasanen fails to disclose, teach, and/or suggest the "token" recited in claim 1 for at least two reasons. First, the plurality of bits that make up the BCIE indicate 4 different parameters, **only one of which is the protocol required for the call**. (Rasanen para. [0053].) In contrast, **each bit** in the "token" recited in amended claim 1 "indicates whether the access terminal is operating according to a default protocol". Second, in Rasanen the sole bit associated with a parameter, bit 7 in octet 4, **is not associated with a protocol or type of protocol**. (Id.) In contrast, the "token" in amended claim 1 includes a plurality of bits, **each bit associated with a different type of protocol**. The Examiner agreed with Applicants that Rasanen does not teach the abovementioned feature.

In addition, the Examiner noted that he conceded in the December 8, 2008 Office Action that this feature is not taught by U.S. Patent App. Pub. No. 2002/0114305 to Oyama et al. ("Oyama"). (December 8, 2008 Office Action p. 5.)

In view of the above-discussed interview, independent claims 1, 12, and 19 have been amended to further distinguish over the cited art. The remaining dependent claims are also amended consistent with the independent claims. No other pertinent matters were discussed.

Claims Rejections - 35 U.S.C. § 103: Oyama in view of Rasanen

Claims 1-3 and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Oyama in view of Rasanen. This rejection is respectfully traversed. In light of (1) the agreements reached by the parties during the Examiner Interview and (2) the currently presented amendment of claim 1, this art grounds of rejection of

claim 1 is rendered moot. Applicants further submit that dependent claims 2 and 3 are allowable at least by virtue of their dependency from claim 1. Claim 19 is a separate independent claim from claim 1 and should be interpreted solely based on the limitations set forth therein. However, independent claim 19 is allowable for at least reasons somewhat similar to those set forth above with regard to claim 1. Therefore, Applicants respectfully requests that this art grounds of rejection of these claims under 35 U.S.C. § 103 be withdrawn.

**Claims Rejections – 35 U.S.C. § 103: Oyama in view of Rasanen
further in view of various other references**

The remaining claims (4-10, 12-17, and 20- 22) stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Oyama in view of Rasanen, further in view of various combinations of: U.S. Patent App. Pub. No. 2002/0132611 to Immonen et al. ("Immonen") and U.S. Patent App. Pub. No. 2002/0097707 to Balazinski et al. ("Balazinski"). Regarding the rejection of claims 4-10 and 20, these rejections are respectfully traversed in that even assuming *arguendo* that Immonen and Balazinski could be combined with Oyama and/or Rasanen (which Applicants do not admit), Immonen and Balazinski suffer from the same deficiencies as Oyama and Rasanen with respect to claim 1. Regarding the rejection of claims 12-17 and 21-22, claim 12 is a separate independent claim from claim 1 and should be interpreted solely based on the limitations set forth therein. However, independent claim 12, and its dependent claims 13-17 and 21-22, are allowable for at least reasons somewhat similar to those set forth above with regard to claim 1. For at least these reasons, the rejection of the remaining claims over Immonen, Balazinski, Oyama, and Rasanen should be withdrawn.

CONCLUSION

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of the claims in connection with the present application is earnestly solicited.

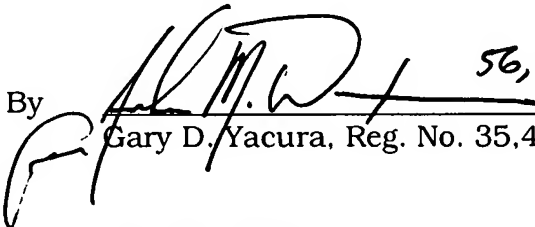
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Gary D. Yacura at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKY, & PIERCE, P.L.C.

By

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